

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Erick Thomlinson Wannamaker, # 321756,	)	
	)	
	)	Civil Action No. 6:14-2571-TMC-KFM
Plaintiff,	)	
	)	<b>ORDER</b>
vs.	)	
	)	
South Carolina Department of Corrections;	)	
Trenton Correctional Institution; and	)	
Officer Parrot, Employee,	)	
	)	
Defendants.	)	
_____	)	

The plaintiff, Erick Thomlinson Wannamaker (“Wannamaker”), a state prisoner proceeding pro se, brought this action against the defendants, pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., all pretrial proceedings in this matter were referred to a magistrate judge. This matter is now before the court on the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss the complaint, without prejudice and without service of process, as to South Carolina Department of Corrections (“SCDC”), and Trenton Correctional Institution (“TCI”). (ECF No. 15.) Wannamaker has filed timely objections to the Report (ECF No. 19), and this matter is now ripe for review.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In making that determination, the court is charged with conducting a de novo review of those portions of the Report to which either party specifically objects. *See* 28 U.S.C. §

636(b)(1). Then, the court may accept, reject, or modify the Report or recommit the matter to the magistrate judge. *See id.*

The Report recommends dismissing SCDC, and TCI, for the following reasons: (1) SCDC is immune under the Eleventh Amendment; and (2) TCI is not a “person” subject to suit under 42 U.S.C. § 1983. In his response, Wannamaker argues that since Officer Parrot is an employee of SCDC, “he was hired and trained to keep control, safety, and security for the officers, the inmates and the community. This officer acts on the behalf of SCDC but works at TCI.” Wannamaker further states in his response: “I understand that TCI is only a work place, and I except [sic] dismissal of TCI, because also TCI is a representation of SCDC.” Accordingly, the court dismisses TCI.

Wannamaker’s conclusive objections fail to overcome the legal authority supporting the Report’s recommended dismissal of SCDC.

Accordingly, after a thorough review of the record, the court adopts the Report (ECF No. 25) and incorporates it herein. Therefore, SCDC, and Trenton Correctional Institution are **DISMISSED** without prejudice and without service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

September 8, 2014  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.